

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey I. WEITZ et al.

Examiner: Leigh C. MAIER

Serial No.: 10/019,325

Group Art Unit: 1623

Filed: February 27, 2002

Title: HEPARIN COMPOSITIONS THAT INHIBIT CLOT ASSOCIATED
COAGULATION FACTORS

REPLY

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

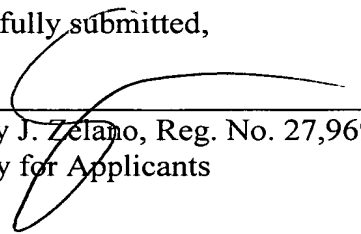
In response to the office action of January 14, 2004, being filed herewith is a declaration under 37 CFR §1.132 by Dr. Jeffrey I. Whites. It addresses the substance of the rejections based on Hepar and Nielsen. It explains why neither of these references alone or in combination would motivate a skilled worker to prepare the heparin compositions of the claims, with respect to either the lower limit of 6,000 daltons on the molecular weight or the at least 15% pentasaccharide sequence content. These distinctions are even more forceful with respect to claims having higher lower limits on molecular weight and higher minimum pentasaccharide contents such as in claims 39-44, and others.

The molecular weight range of 8,000 to about 12,000 has clear support in the specification. Thus, the examiner's rejection under 35 USC §112 should be withdrawn. See for example, page 4, lines 19-20, page 7, lines 36-39, page 2, lines 23-25 etc. All these locations make clear that the molecular weight range can have lower and upper limits, respectively, of 6,000 and 12,000 and explicitly also that intermediate lower and upper limits can be 8,000 or

10,000. It is well settled that such limits can be mixed without violation of any written description requirements. See, e.g., *In re Blaser*, 194 USPQ 112 (CCPA 1977) (a disclosed range of 60° to 200°C and mention of 80°C supported a range added to the claims of 80° to 200°C.)

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: GLYCO-0024

Date: October 14, 2004
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